



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH

OFFICE OF DRINKING WATER

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May 9, 2023

Edward Kowalski  
United States Environmental Protection Agency  
Region 10  
1200 Sixth Avenue, Suite 155  
Seattle, WA 98101

Subject: Response to Letter Dated April 11, 2023, Regarding Lower Yakima Valley Ground Water Management Area.

Dear Mr. Kowalski:

Thank you for your letter dated April 11, 2023, in which you expressed your ongoing concerns about the health and safety of Lower Yakima Valley (LYV) residents affected by high nitrates in groundwater. We are fully committed and organized for timely and effective action in the LYV to ensure residents are aware of the health risks associated with nitrate and are provided alternative drinking water if their well exceeds the maximum contaminant level (MCL) of 10 mg/L for nitrate. This letter provides details, by agency, of continued and new actions in the Lower Yakima Valley Ground Water Management Area (LYV-GWMA). As requested, the workplan, schedule and strategy to protect residents will be provided at our June 7<sup>th</sup> meeting with EPA in Union Gap. The workplan will include activities, budget, staffing and organizational support needs, timelines, communication, outreach requirements, and agency contacts to coordinate an effective response to residents impacted by nitrate contamination in drinking water. Testing, education, alternative water supply, transparency of data and health information, and frequency of communication with the EPA will be specified in the workplan.

For this and future reference, we refer to Washington State Departments of Agriculture (WSDA), Ecology (Ecology) and Health (DOH), Yakima County Public Services (YCPs) and Yakima Health District (YHD) as the GWMA Workgroup. The GWMA Implementation Committee meets monthly and consists of these and additional local partners contributing to actions in the GWMA.

Our state's budget for the 2023-2025 biennium is now final and we are sharing the specifics as it relates to supporting communities in the LYV-GWMA. We have obtained funding to continue bottled water delivery to homes in the LYV, which is the priority for the Workgroup. Funding was also secured to continue outreach and testing to the remaining homes on private wells in the LYV and offer alternative water where necessary.

**Washington State Department of Health (DOH)**

DOH has received \$816,000 for the 2023-2025 biennium to provide testing, education/outreach, filters and alternative water supply to individual wells and group B water systems in areas impacted by nitrate and emerging contaminants. DOH has committed \$50,000 of this funding to continue the Culligan Water Supply project managed by the Yakima Health District. This will ensure continued bottled water delivery to 48 homes in the GWMA through June 2024. In addition, DOH, in partnership with YCPs, received an \$850,000 legislative appropriation from the Capital Budget for the 2023-25 biennium. A sub-workgroup

comprised of WSDA, Ecology, DOH, YHD, and YCPS is meeting to develop a comprehensive work plan, schedule, and sustainability plan for this work. The appropriation will allow the GWMA Workgroup to accelerate existing efforts to:

- Identify households at high risk of nitrate contamination.
- Conduct English/Spanish outreach in the LYV GWMA (for example, direct mail, door-to-door visitations, flyers, public meetings, radio, social media).
- Conduct private and shared well testing, identify areas of concern, and enter and store data on the LYV GWMA database on the Yakima County website.
- Maintain and publish records to the YCPS GWMA website so the public can better understand the scope and severity of nitrate contamination and measure Washington's progress in addressing the nitrate contamination.
- Provide residents the opportunity to obtain alternative drinking water until nitrate levels fall below 10 mg/L in private wells.
- Coordinate work with other GWMA recommendations implemented by the LYV-GWMA Implementation Committee

The work plan, schedule and sustainability plan will be shared at the June 7<sup>th</sup> meeting as part of the overall GWMA Workgroup work plan.

DOH has done preliminary research to evaluate if there are CAFOs in the Lower Yakima Valley Groundwater Management Area that meet the definition of a Group A public water system. This can occur when an agricultural business increases the number of employees onsite without accessing any permits or certifications that trigger local and state oversight of the water supply. The work plan and schedule for addressing these water systems is included in *Appendix I*.

We will learn in November 2023 if the Environmental Justice Government to Government (EJG2G) application submitted by DOH and Yakima Health District on behalf of the GWMA Workgroup is successful. This money, \$1,000,000 for the period December 2023 through December 2026, will allow the GWMA Workgroup and community partners to significantly expand our education in the LYV around nitrate and air quality issues that impact this Environmental Justice (EJ) community. Project goals include:

- Transition residents on bottled water to in-situ nitrate treatment and provide on-going system maintenance until groundwater concentrations fall below the MCL.
- Develop general groundwater and air quality education materials that are culturally tailored to Latino and Indigenous communities.
- Reach an additional 125 private well users to provide education on nitrate contamination and groundwater safety through home visits.
- Reach 75 homeowners to provide education on air quality issues through home visits.
- Reach up to 15,000 residents through mailings, social media, and community events.
- Development of community health worker teams and program materials that can be used in the future.
- The formation of a permanent local health coalition committed to addressing environmental health hazards and engage in EJ partnership building in the Lower Yakima Valley for the project duration and beyond.

### **Yakima County Public Services (YCPS)**

In the April 11 correspondence you noted that it was unclear "...whether data exists indicating how many times outreach was attempted to any residence and by which method of communication. Please provide the available data to EPA that you have regarding the location of each private drinking water well in the LYV GWMA, together with corresponding data regarding your outreach efforts..."

As mentioned at the February meeting, the 5,000+ residences on private or shared wells have been identified. At the June 7, 2023, meeting, in addition to the parcel data, you will receive the number of times outreach was attempted at any residence, how it was attempted, and the responses received (if the householder responded).

In reviewing our records identifying which LYV-GWMA residences have been reached, how many times, and when, we discovered that EPA, in 2010-2011, communicated multiple times with at least 70 households in the LYV-GWMA. EPA also conducted well testing of those same households. Yet, it's unknown how many times EPA contacted those households, what communication methods were used, or what the response of those households was. If EPA provides us with that information, we will add that information to our database.

### **Yakima Health District (YHD)**

Yakima Health District is providing bottled water delivery to 48 homes as part of the LYV Drinking Water Pilot Project funded by the Washington State Department of Health. Based on previous efforts conducted to address nitrate contamination in the LYV, YHD recognizes the need to involve the community and collaborate with its members to identify appropriate and effective interventions. YHD also understands the importance of including community engagement in the spectrum of strategies to build community capacity and promote community health. For this reason, YHD's current efforts are centered on providing opportunities for private well users in the LYV to share their knowledge and experiences related to nitrate contamination and well water safety as well as to provide feedback on educational materials and preferred solutions.

YHD convened focus groups in April and May 2022 with community advocates and private well users in the LYV. Households in the pilot project and other homes in the LYV that utilize water from private wells were also surveyed at the same time. Data from this research highlights several community knowledge gaps and recommended actions. These findings are included in the DOH and YCPS application to the EPA's Environmental Justice Government to Government Program. YHD also intends to share this data with the GWMA workgroup to inform future projects and funding opportunities. Additionally, YHD remains committed to partnering with the workgroup to accelerate and expand current projects to reach additional well users in the LYV and improve understanding of nitrate contamination among private well users in the LYV.

### **Washington State Department of Agriculture (WSDA)**

WSDA has worked in the Lower Yakima Valley since the agency's inception, and with increasing attention on nitrates in groundwater since the formation of the LYV-GWMA. WSDA is a trusted technical assistance provider serving and advocating for clean water, healthy soils, and supporting the viability and vitality of Washington agriculture.

Recent work from the WSDA Natural Resource Assessment Section (NRAS) has included improving and updating cropping and irrigation GIS data and a new initiative focused on building and sustaining soil health and cropping practices that support agriculture and the environment.

The WSDA Dairy Nutrient Management Program (DNMP) has implemented the Dairy Nutrient Management Act since 2003, including regulation of LYV dairy farms with increasing attention to nitrogen management. WSDA continues to coordinate under Memorandum of Understanding with Ecology for implementation of the Washington CAFO NPDES permit, including providing biennial inspections of CAFO's across the state. The DNMP has increased training for inspectors and oversight of nutrient budgets, record keeping, irrigation water management and soil nitrate monitoring since 2018.

WSDA received \$1,500,000 in new, continuous funding starting in the 2024-2025 biennium, which will support increased capacity for outreach, on-farm technical assistance, enforcement, and agency

coordination around referrals for solving documented cases of livestock-related nitrate pollution. It will also increase capacity for development of crop specific irrigation and nutrient management guidance and establish a long term and sustainable funding source for nutrient management education and technical assistance provided by partners like the South Yakima Conservation District. New funding will provide for long-term placement of an Agronomist within WSDA's NRAS, and a GWMA Specialist located within the DNMP. More information on this work will be detailed in the work plan shared at the June 7th meeting.

### **Washington State Department of Ecology (Ecology)**

In the last two years, Ecology has knocked on over 500 doors seeking volunteers for development of the Ambient Groundwater Monitoring Network. Outreach flyers were left in English and Spanish when our knocks were not answered, describing the nitrate issues, and providing contact information for follow-up. Ecology began sampling 136 private wells in LYV-GWMA two years ago, as part of the ongoing Ambient Groundwater Monitoring Network. During sampling events, staff talk with residents on a variety of topics including how to get testing for other contaminants, how to take care of their well, and other topics that come up in conversation. The results of the sampling are shared with the landowners, and all communication is in English and Spanish.

Ecology recently created a StoryMap to share the work of the Ambient Groundwater Monitoring Network more broadly. The StoryMap is an interactive GIS tool that will be posted to Ecology's website and updated as more data is obtained. We anticipate publishing the StoryMap in early summer.

Also in early summer, Ecology will add a Community Outreach Environmental Education Specialist to our Union Gap office, to focus specifically on engaging communities in the LYV-GWMA. We appreciate the funding provided by EPA's Clean Water Act Section 604(b) grant that will support this position.

Ecology's CAFO Permit Program remains focused on source control of manure pollution from confined animal feeding operations in the LYV-GWMA. Here is an update on the status of that program as it relates to the LYV-GWMA.

- The priority focus of Ecology's CAFO Program in 2023 is coordinating with the Department of Agriculture's Dairy Nutrient Management Program to utilize new funding provided by the legislature for effective technical assistance and compliance assurance activities for permitted CAFOs, and unpermitted CAFOs with a reasonable potential to discharge polluting matter to waters of the state, including groundwater. Ecology will continue to prioritize outreach, technical assistance, and compliance assurance activities to medium and large CAFOs in the LYV with a discharge to waters of the state.
- Currently 23 CAFOs are covered under Ecology's CAFO General Permits. Twelve of these permitted CAFOs are in the LYV-GWMA.
  - Four additional applications for coverage from facilities in the LYV-GWMA are in process. Ecology has received a partial Notice of Intent (application) for the State-Only CAFO Permit from the Liberty Dairy/Bosma facility, the last of the three LYV cluster dairies under EPA Consent Decree.
  - We received applications from Klompe Dairies (3 facilities), FRH Dairies (2 facilities), and Veldhuis Dairy. Ecology is awaiting their draft Manure Pollution Prevention Plans (MPPPs) and will provide technical assistance on the draft MPPPs, so that we can issue CAFO permit coverage as soon as possible.
- Groundwater monitoring requirements under the reissued permits begins this summer. Permitted CAFOs in the LYV are required to submit their groundwater monitoring work plan for review by Ecology hydrogeologists within six months of receiving permit coverage. Groundwater monitoring wells must be constructed within 90 days of Ecology approval.

- Ecology looks forward to continuing discussions with EPA R10 regarding technical support you may be able to provide for the review of MPPPs, which are now required to be submitted by unpermitted CAFOs and approved by Ecology as part of a complete application for CAFO Permit coverage.
- Ecology's CAFO Permit Writer position was vacated on Dec. 8, 2022. The former permit writer will continue to serve as Ecology's subject matter expert on the legal defense of the updated CAFO General Permits, which are under appeal to the Pollution Control Hearings Board. Ecology hired a new CAFO Permit writer who starts in early May.

We look forward to presenting and reviewing our GWMA Workgroup workplan at our June 7<sup>th</sup> meeting with EPA in Union Gap. The workplan will include activities, budget, staffing and organizational support needs, timelines, communication, outreach requirements, and agency contacts to coordinate an effective response to residents impacted by nitrate contamination in drinking water.

The GWMA Workgroup and Implementation Committee remain fully committed to addressing concerns outlined in EPA's most recent letter and implementing actions identified in the Groundwater Management Plan with the overall goal of reducing concentrations of nitrate in groundwater to below the MCL. Our continued commitment to collaborative actions to reduce nitrate impacts to the residents of the Lower Yakima Valley Groundwater Management Area remains top priority for our agencies.

Sincerely,



Holly Myers  
Director, Office of Drinking Water  
Washington State Department of Health



Kyrre Flege  
Program Manager, Dairy Nutrient Management  
Washington State Department of Agriculture



Vincent McGowan, PE  
Water Quality Program Manager  
Washington State Department of Ecology



Lisa H. Freund  
Yakima County Public Health Director  
Yakima County



Shawn Magee, RS  
Director of Environmental Health  
Yakima Health District

## Appendix 1 Agricultural Water System Workgroup Workplan

AWSW Work Plan					
Key Partners: Ecology, Dept. of Agriculture, Dairy Federation, Counties, Legislators					
Starting with Yakima County					
Task	Assigned To	Assigned Date	Estimated Completion Date	Actual Completion Date	Status
Operations Team is re-writing the Same Farm Exemption policy and will submit to AWSW for review. AWSW will then submit to MT for final approval.	Sheri/Trisha	1/3/2023	4/25/2023	4/24/2023	Complete
Workgroup will review Same Farm Exemption draft and submit edits and comments.	All	4/24/2023	5/2/2023		In Progress
Create Same Farm Exemption procedure template.	Dorothy	4/24/2023	5/23/2023		In Progress
Compile and prioritize list of potential agriculture facilities that meet Group A definition (Yakima County).	Andy	1/3/2023	1/31/2023	1/31/2023	Complete
Develop rough draft of master list of talking points to review with key partners with Same Farm Exemption policy talking points to be included.	Dorothy/Sheri	1/17/2023	3/28/2023	4/11/2023	Complete
Finalize draft letter for dairies.	Derrick	1/17/2023	5/9/2023		In Progress
Review letter for dairies with comments and suggested changes.	All	2/28/2023	5/23/2023		In Progress
Present workgroup progress at all-staff meeting.	Dorothy/Charese	1/31/2023	5/18/2023		In Progress
Same Farm Exemption Policy - Revise or Rescind.	Mike Means	12/21/2022	1/17/2023 - We will revise instead of rescind.	1/17/2023	Complete
Send survey to local health re: Same Farm Exemption implementation.	Derrick	1/17/2023	5/9/2023		In Progress
Create schedule for meeting with key partners and dairy representatives.					
Meet with key partners for learning and partnering to meet our goal.					
Meet with Dairy representatives.					
Send letter to Yakima County dairies.					
Follow up with each dairy individually by regional office.					
Write up process, talking points, and lessons learned for use in other state areas.					
Repeat process for other areas in the state that will be impacted.					
Remove Same Farm Exemption from the Group A WAC.					